

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

VICTORIA BARNETT

PLAINTIFF

VS.

NO.: 4:22-CV-4-DMB-DAS

DKNRT, LLC

DEFENDANT

ANSWER OF DKNRT, LLC TO FIRST AMENDED COMPLAINT

COMES NOW, the Defendant, DKNRT, LLC, by and through counsel, and files this answer to the First Amended Complaint filed against it, and would state unto the Court as follows:

FIRST DEFENSE

The plaintiff's First Amended Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Some or all of plaintiff's claims may be barred by the applicable statute of limitations or period of proscription.

THIRD DEFENSE

The plaintiff's injuries, if any, were caused by persons or entities other than the defendant, its agents or assigns.

FOURTH DEFENSE

The plaintiff's negligence was the sole and/or proximate contributing cause of plaintiff's injuries, if any.

FIFTH DEFENSE

The plaintiff has failed to mitigate damages.

SIXTH DEFENSE

The plaintiff has failed to join necessary and indispensable parties.

SEVENTH DEFENSE

The defendant affirmatively pleads the doctrine of set-off, accord and satisfaction.

EIGHTH DEFENSE

Improper or insufficient service of process.

NINTH DEFENSE

The defendant denies each and every allegation of the First Amended Complaint not specifically hereinafter admitted, regardless of paragraph number or lack thereof, or paragraph letter or lack thereof.

TENTH DEFENSE

And now, answering paragraph by paragraph:

1. The defendant admits that it was limited liability company doing business in Grenada, Mississippi in 2020. The defendant denies the remaining allegations contained in paragraph 1 of the plaintiff's First Amended Complaint.
2. The defendant denies the allegations contained in paragraph 2 of the plaintiff's First Amended Complaint.
3. The defendant denies the allegations contained in paragraph 3 of the plaintiff's First Amended Complaint.
4. The defendant admits, upon information and belief, that Victoria Barnett was a guest at its hotel on or about June 6, 2020. The defendant denies the remaining allegations contained in paragraph 4 of the plaintiff's First Amended Complaint.
5. The defendant denies the allegations contained in paragraph 5 of the plaintiff's

First Amended Complaint.

6. The defendant denies the allegations contained in paragraph 6 of the plaintiff's First Amended Complaint.
7. The defendant admits that there exist certain laws concerning premises liability. The defendant denies that it violated any such laws. The defendant denies the remaining allegations contained in paragraph 7 of the plaintiff's First Amended Complaint.
8. The defendant denies the allegations contained in paragraph 8 of the plaintiff's First Amended Complaint, and each of its sub-parts.
9. The defendant denies the allegations contained in paragraph 9 of the plaintiff's First Amended Complaint.
10. The defendant denies the allegations contained in paragraph 10 of the plaintiff's First Amended Complaint.
11. The defendant admits the allegations contained in paragraph 11 of the plaintiff's First Amended Complaint.
12. The defendant denies the allegations contained in the plaintiff's *ad damnum* clause, and specifically denies that the plaintiff is entitled to judgment in or of the defendant in any amount whatsoever.

WHEREFORE, PREMISES CONSIDERED, the defendant, having denied each and every allegation of the plaintiff's First Amended Complaint which may impute liability, and having asserted certain affirmative defenses, respectfully requests that the plaintiff's First Amended Complaint be dismissed with costs assessed against the plaintiff. The defendant requests any further relief which the Court may find warranted in the premises.

RESPECTFULLY SUBMITTED,

DKNRT, LLC

HICKMAN, GOZA & SPRAGINS, PLLC

Attorneys at Law

Post Office Drawer 668

Oxford, MS 38655-0668

(662) 234-4000 telephone

(662) 234-2000 facsimile

glewis@hickmanlaw.com

BY: /s/ Goodloe T. Lewis

GOODLOE T. LEWIS, MSB # 9889

CERTIFICATE OF SERVICE

I, GOODLOE T. LEWIS, attorney for DKNRT, LLC, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record, including:

Daniel A. Meyer
Bruno & Bruno, LLP
855 Baronne Street
New Orleans, LA 70113
dmeyer@brunobrunolaw.com

DATED: March 18, 2022.

/s/ Goodloe T. Lewis
GOODLOE T. LEWIS

GOODLOE T. LEWIS, MSB # 9889
HICKMAN, GOZA & SPRAGINS, PLLC
Attorneys at Law
Post Office Drawer 668
Oxford, MS 38655-0668